

**BEVERAGES AND BEVERAGE MATERIALS**

**20501. Adulteration of green coffee. U. S. v. 454 Bags \* \* \*. (F. D. C. No. 33087. Sample No. 22629-L.)**

**LIBEL FILED:** April 22, 1952, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about March 14, 1952, by Leon Israel & Bros., from New Orleans, La.

**PRODUCT:** 454 bags, each containing 132 pounds, of green coffee at Houston, Tex.

**LABEL, IN PART:** "Camillieri DF Genova, In Transitto Switzerland-Brazil Kinlay Product Of Brazil-Embarcado."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of animal excreta and insect-damaged coffee beans.

**DISPOSITION:** September 15, 1953. The Duncan Coffee Co., Houston, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for cleaning under the supervision of the Department of Health, Education, and Welfare. As a result of the cleaning operations, 146 bags of the product were found unfit and were destroyed.

**20502. Misbranding of matte (maté). U. S. v. 53 Cylinders \* \* \*. (F. D. C. No. 34162. Sample No. 44418-L.)**

**LIBEL FILED:** November 20, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about July 22, 1952, by David Komisar & Son, Inc., from New York, N. Y.

**PRODUCT:** 53 cylinders of matte (maté) at Boston, Mass. Examination showed that the product was maté.

**LABEL, IN PART:** (Cylinder) "Gold Brand Matte The Energizing Brazilian Tea Nature's Golden Drink delicious stimulating \* \* \* Net Weight ½ Pound."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the following label statements, namely, "The Energizing Brazilian Tea \* \* \* is prepared identically as is common tea \* \* \* energizing \* \* \* supplies vitamins and minerals \* \* \* tonic effects \* \* \* its natural dietetic properties aid the body to throw off excess uric acid \* \* \* supplies quick energy and helps to resist unusual mental and physical strain" were false and misleading since the article was not tea; it did not provide nutritionally significant amounts of vitamins and minerals; and it was not effective in the treatment of the conditions stated and implied.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4096.

**DISPOSITION:** David Komisar & Son, Inc., appeared as claimant and filed an answer denying that the product was misbranded. Thereafter, upon agreement of the parties, the case was removed for trial to the United States District Court for the Eastern District of New York. Interrogatories were filed by the Government on April 15, 1953. Upon failure of the claimant to answer the interrogatories, a motion was filed by the Government to strike the claimant's answer to the libel and for a default decree of condemnation. No opposition to the motion having been interposed, the court, on September 4, 1953,